

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional):

**2002-014/PU02 0199US1**

I hereby certify that this correspondence is being electronically submitted.]

Date: **October 17, 2008**

Signature:

Typed or printed name: **KATHLEEN KOPPEN**

Application Number:

**10/627,896**

Filed:

**July 25, 2003**

First Named Inventor:

**Mr. Hassan Mahini**

Art Unit:

**2617**

Examiner:

**MS. ARIEL BALAOING**

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

(Form PTO/SB/96)

☒ attorney or agent of recordRegistration Number: 47,642☐ attorney or agent acting under 37 CFR 1.34.

Registration Number if acting under 37 CFR 1.34 \_\_\_\_\_



Signature

Stephen A. Herrera

Typed or Printed Name

(919) 854-1844

Telephone Number

October 17, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ form(s) is/are submitted.

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.96. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

**Mahini**

Serial No.: **10/627,896**

Filed: **July 25, 2003**

For: **Event List Menu for Accessing Menu  
Items in a Hierarchical Menu**

Docket No: **2002-014**

PATENT PENDING

Examiner: Ms. Ariel Balaoing

Group Art Unit: 2617

Confirmation No.: 4007

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

October 17, 2008

Date

Kathleen Koppen

This correspondence is being:

☒ electronically submitted via EFS-Web

**PRE-APPEAL BRIEF**

Sir:

Applicants submit the following remarks in support of the Pre-Appeal Brief Request for Review. Currently, claims 1, 4-10, 13-19, 22-28, and 35 are pending. Claims 29-34 have been withdrawn from prosecution (with traverse) responsive to a final restriction requirement. Of the pending claims, independent claims 1, 10, 19, and 28 are finally rejected as being anticipated by Qu (U.S. Pat. App. Pub. No. 2004/0203651). Qu does not anticipate these claims, however, because Qu does not disclose every element recited in the claims.

Claim 1 is directed to a method of accessing functions in a mobile communication device. The method generates and dynamically updates a consolidated event list to consolidate one or more events of different event types (e.g., missed calls, missed SMS messages, etc.). To update the list, the method dynamically adds and deletes event items to and from the list.

and from the list. An event item corresponds to a consolidated set of one or more events of the same event type. For example, the consolidated list may include a first event item corresponding to one or more missed voice calls, and a second event item corresponding to one or more missed SMS messages. For convenience, claim 1 appears below in its entirety.

1. A method of accessing functions in a mobile communication device comprising:  
generating a consolidated event list to consolidate events according to event type, the consolidated event list comprising one or more event items, with each event item corresponding to a different event type;  
dynamically updating the consolidated event list by:  
adding an event item when a new event occurs and the consolidated event list does not already have an event item corresponding to the same event type; and  
automatically deleting an event item when a user has responded to all events corresponding to the event item;  
displaying the consolidated event list to a user on a display;  
associating a menu item in a hierarchical menu with each event item in the consolidated event list; and  
invoking the associated menu item in said hierarchical menu responsive to selection of an event item from the consolidated event list by the user.

As recited in claim 1, each event item is associated with a corresponding menu item in a hierarchical menu. Selecting an event item from the consolidated event list invokes the corresponding menu item. For example, selecting a "Missed Call" event item on the consolidated event list invokes the Missed Calls menu. Thus, it is clear from claim 1 that each event item on the consolidated event list is a user-selectable object that functions as a shortcut. Qu does not teach invoking an associated menu item in a hierarchical menu whenever a user selects an event item from a consolidated event list.

Qu discloses a wireless communication device that displays the status of the device using objects called "annunciators." As defined by Qu, an annunciator is an icon or a symbol that is continuously displayed along a top edge of the device to indicate the current status of the device to the user. Qu, p. 2, ¶¶[0020, 0023]; Figure 2. One particular annunciator mentioned in Qu indicates that the user has missed one or more incoming voice calls. Qu, p. 3, ¶¶[0029]; Table 2.

The annunciators are not the claimed event items. Qu teaches, “[The] annunciators are used to indicate the current status of the device and are displayed as appropriate.” Qu, p. 2, ¶¶0020. Thus, annunciators are visual status indicators only. Qu never states that selecting an annunciator invokes an associated menu item as claimed. In fact, Qu never suggests that the annunciators are selectable by the user.

However, even if the annunciators were selectable by the user, Qu does not teach that, “selecting” a “Missed Call” annunciator invokes a corresponding Missed Call menu item. According to Qu, the presence of the Missed Call annunciator on the display only visually indicates to the user that calls were missed. See Qu, ¶¶0029. To address those missed calls, a user in Qu must still invoke the Missed Call menu using a predetermined sequence of keys or a programmed hot-key, as is conventional. As in Qu, “[the missed call] menu screen may be shown in response to the user pressing a particular key or menu option defined to invoke this screen.” Qu, p. 3, ¶¶0030. There are no functional ties between the annunciators and the menu items in Qu.

The Examiner equates the annunciators of Qu to the claimed event items on the consolidated list. However, the differences in functionality make clear that annunciators are not event items. The annunciators in Qu are visual status indicators only. No associated menu items are invoked when a user selects an annunciator in Qu. Indeed, the annunciators are not even selectable objects. The claimed event items, on the other hand, are user-selectable objects and invoke corresponding menu items when selected by the user. This difference necessarily eliminates Qu as an anticipating reference for claim 1 and any of its dependent claims.

Claims 10, 19, and 28 also stand rejected as being anticipated by Qu for substantially the same reasons as those stated for claim 1. Claims 10, 19, and 28, however, are directed to a mobile communication device, a circuit for controlling a user interface, and a computer

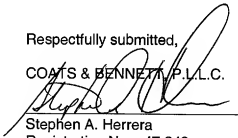
program, respectively. Each of these independent claims contains language that requires invoking an associated menu item in a hierarchical menu whenever a user selects an event item from a consolidated event list. For reasons similar to those stated above, Qu does not disclose this aspect of the claimed invention, and therefore, does not anticipate any of claims 10, 19, and 28. Moreover, because these independent claims are patentable over Qu, so, too, are all their respective dependent claims.

Finally, the remaining dependent claims stand finally rejected as being obvious over Qu in view of either Kraft (U.S. Pat. No. 6,381,474) or Roth (6,266,060). Neither Kraft nor Roth remedy Qu, however, alone or in combination. Therefore, in addition the foregoing reasons, the dependent claims are also patentable over the cited art.

In light of the above remarks, Applicant respectfully requests that the Panel overturn all rejections.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



---

Stephen A. Herrera  
Registration No.: 47,642

Dated: October 17, 2008

1400 Crescent Green, Suite 300  
Cary, NC 27518  
Telephone: (919) 854-1844  
Facsimile: (919) 854-2084